

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-192—sHB 5525

Judiciary Committee

**AN ACT CONCERNING CHILD PORNOGRAPHY AND PROVIDING
NOTICE TO THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY
UPON THE RELEASE OF A REGISTERED SEXUAL OFFENDER INTO
SUCH MUNICIPALITY**

SUMMARY: By law, visual depictions of children (under age 16) engaged in sexually explicit conduct are subject to the state's child pornography laws, whether they are generated by electronic, mechanical, or other means. A "visual depiction" is a photograph, film, videotape, picture, or computer-generated image or picture. This act specifically includes visual depictions generated by digital means.

The act also expands the range of visual depictions that constitute the crimes of 1st, 2nd, and 3rd degree possession of child pornography. It does so by adding certain visual depictions based on the number of victims, illicit acts, or frames they contain. Under prior law, a defendant was charged based on the number of visual depictions he or she possessed and whether they showed the infliction or threatened infliction of serious physical injury.

The act excludes a visual depiction that is a (1) series of images intended for continuous display, (2) film, or (3) videotape from the affirmative defense available under the child pornography laws. (An "affirmative defense" is a defense a defendant can raise and prove to avoid conviction for the crime.) By law, the possession of less than three visual depictions of child pornography is an affirmative defense to a charge of 1st, 2nd, or 3rd degree possession of child pornography or a charge of possession or transmission of child pornography by a minor.

Lastly, the act requires the Department of Emergency Services and Public Protection (DESPP) to notify a municipal chief executive officer (CEO) when someone required to register as a sex offender is released into the CEO's community. DESPP must email this notice and provide the CEO with the same registry information about the registrant that DESPP posts publicly on the Internet.

EFFECTIVE DATE: October 1, 2014, except for the sex offender notice provision, which is effective July 1, 2014.

1ST, 2ND, AND 3RD DEGREE POSSESSION OF CHILD PORNOGRAPHY

The act expands the range of visual depictions that, when a person knowingly possesses them, constitute 1st, 2nd, and 3rd degree possession of child pornography.

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<i>Crime (Penalty) See Table on Penalties</i>	<i>Prior Law Range of visual depictions:</i>	<i>The Act Expands the range of visual depictions to include any series of images (in any format) intended for continuous display, film, or videotape that consists of:</i>
1 st degree possession of child pornography (Class B felony)	50 or more visual depictions of child pornography or One or more visual depictions of child pornography that depict the infliction or threatened infliction of serious physical injury	Two or more frames and depicts (1) more than one child engaging in sexually explicit conduct or (2) more than one act of sexually explicit conduct by one or more children, or Any combination each of which consists of two or more frames and depicts a single act of sexually explicit conduct by one child
2 nd degree possession of child pornography (Class C felony)	At least 20 but less than 50 visual depictions of child pornography	At least 20 but less than 50 frames and depicts a single act of sexually explicit conduct by one child
3 rd degree possession of child pornography (Class D felony)	Less than 20 visual depictions of child pornography	Less than 20 frames and depicts a single act of sexually explicit conduct by one child

BACKGROUND

Related Act

PA 14-213 contains similar provisions requiring DESPP to notify a municipal CEO when a sex offender is released and resides or plans to reside in the CEO's community.

OLR Tracking: MK:JM:JKL:am